

1 DAYLE ELIESON
2 United States Attorney
3 RICHARD ANTHONY LOPEZ
4 Assistant United States Attorney
5 501 Las Vegas Boulevard South, Suite 1100
6 Las Vegas, Nevada 89101
7 Tel: 702.388.6551 / Fax: 702.388.6418
8 tony.lopez@usdoj.gov

9
10 *Representing the United States of America*

11
12 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

13
14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 vs.

17 GREGORIO NIEVES,

18 Defendants.

19 Case No. 2:18-mj-00527-GWF

20 STIPULATION AND PROPOSED
21 ORDER TO CONTINUE
22 PRELIMINARY HEARING
23 (First Request)

24
25 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson,
26 United States Attorney, and Richard Anthony Lopez, Assistant United States
27 Attorney, counsel for the United States of America, and Daniel C. Coe, Assistant
28 Federal Public Defender, counsel for defendant Gregorio Nieves, that the
29 Preliminary Hearing currently scheduled on Thursday, June 14, 2018 at 4:00 p.m.,
30 be vacated and continued to a date and time convenient to the Court, however no
sooner than 45 days.

31
32 This stipulation is entered into for the following reasons:
33

1. Defense counsel has remained diligent in preparation for the hearing, as well as negotiations.

2. The Defendant is out of custody on conditions and agrees to the continuance.

3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested by this stipulation is allowed, with the Defendant's consent, under Federal Rule of Criminal Procedure 5.1(d).

6. The additional time requested by this stipulation is excludable in computing the time within which the defendant must be charged pursuant to an information or indictment and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

7. This is the first request for a continuance of the preliminary hearing.

DATED this 7th day of June, 2018.

Respectfully submitted,

DAYLE ELIESON
United States Attorney

/s/ Daniel C. Coe
DANIEL C. COE
Assistant Federal Public Defender
Counsel for Defendant Gregorio Nieves

/s/ Richard Anthony Lopez
RICHARD ANTHONY LOPEZ
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:18-mj-00527-GWF

Plaintiff,

vs.

GREGORIO NIEVES,

Defendant.

ORDER

Based on the Stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be charged pursuant to an information or indictment and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

17 IT IS THEREFORE ORDERED that the Preliminary Hearing currently
18 scheduled on Thursday, June 14, 2018 at the hour of 4:00 p.m., be vacated and
19 continued to August 7, 2018 at the hour of 4:00 pm.

20 DATED this 8th of June, 2018.

George Foley Jr.
HONORABLE GEORGE W. FOLEY
UNITED STATES MAGISTRATE JUDGE